

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review

DATE: July 16, 2013

SUBJECT: BZA Case 18598 - Request pursuant to DCMR 11 § 3103 for variance relief under § 401, lot area, to convert two existing row structures to one six-unit apartment building at 3612-3614 Park Place, NW

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends denial** of the variance request from 3612 Park Place, LLC, the applicant, for relief from § 401 – Lot area (5,400 sq. ft. required; 4,521 sq. ft. proposed), in order to permit the conversion of two former single-family structures into one, six-unit apartment building in the R-4 district.

No practical difficulty has been established and it is beyond the scope of the Regulations to grant relief in anticipation of a higher return on an applicant's investment and not in response to an established practical difficulty derived from the property's unique condition.

II. APPLICATION and BACKGROUND

3612 Park Place LLC, the applicant, intends to combine the existing structures at 3612 and 3614 Park Place, NW into a single renovated building. Zoning relief is requested to permit the conversion of that building into a single 3-story apartment building on the combined 4,521 square-foot lot, with a total of six units.

The renovation would include significant expansion of the buildings, increasing the lot occupancy from 32.35% to 52.05%, within the 60% maximum, and the provision of five parking spaces at the rear. Both lots were purchased by the applicant and public records indicate that each was purchased at \$260,000. The current assessable (2013) and proposed new value (2014) for each lot is highlighted as follows:

Square 3035	Tax Year 2013 Assessment	Proposed New Value (2014)
Lot 0837 - 3614 Park Place	\$254,660	\$262,720
Lot 0838 - 3612 Park Place	\$ 275,900	\$284,000

III. AREA AND SITE DESCRIPTION

Address	3612-3614 Park Place, NW
Legal Description	Square 3035, Lots 838 and 837
Ward/ANC	1/ANC1A
Lot Characteristics	Two lots, of 2,108 sf and 2413 sf would be combined to form an irregularly shaped lot with public alley access, located mid-block between Otis Place and Newton Place on Park Place, NW.
Existing Development	Two, two-and a half story, brick and row buildings.
Zoning	R-4 – Row dwellings and flats permitted.
Adjacent Properties	North: 2-semi-detached single-family residential structures; South and west: single-family row dwellings; East: U.S. Soldiers and Airmen Home.
Surrounding Neighborhood Character	Low to moderate density residential buildings. Largely row houses.



IV. OFFICE OF PLANNING ANALYSIS

Standard	R-4 Requirement	Existing Property	Proposed Construction	Relief Required
Lot Area	900 s.f./unit or 5,400 sq. ft.	4,521 sq. ft.	4,521 sq. ft. No change	Yes
Lot Coverage	60% (3,240 sq. ft.)	32.35% (1,462 sq. ft.)	52.05% (2,353 sq. ft.)	No
Building Height	40 ft.	25.5 ft	34.5 ft.	No
Parking	1 space per 3 d.u.	1 space	5 spaces	No

The requested variance relief must satisfy the following criteria for area variances:

1. Exceptional Situation Resulting in a Practical Difficulty

The combined lots have an irregular shape measuring 36 feet wide at 4,521 square feet in area. The property has no significant grade changes and is served by alley access at its rear.

The applicant is seeking to combine both structures to form a single structure. As shown in the photo submissions to the record, the buildings have been partially demolished and the interiors have been removed. The applicant cites a financial hardship as the justification for the additional dwelling unit due to construction costs and the buildings' current condition.

However, the current state of the property does not constitute a unique physical characteristic of the property, and is the condition that the properties were in when recently purchased by the current owner (recorded in

February 2013). The purchase prices for both properties were well within the range of the current assessed values, as noted through the public records. There are no apparent unique characteristics or circumstances affecting the property that directly relate to the financial hardship described. The applicant would be improving combined “shell structures” to meet current code requirements, and is proposing to undertake extensive additions to the existing building to further facilitate the additional units. The current physical configuration of the existing building does not preclude its use for flats, or five units if the lots are combined, which would be permitted as a matter-of-right, and eliminate the need for the zoning relief.

2. *Substantial Detriment to the Public Good*

The development of an apartment building where it is not contemplated under current regulations is detrimental to the neighborhood’s character, and therefore the public’s good.

3. *Substantial Harm to the Zoning Regulations*

As noted above, the property is not unique. Thus, given the lack of any unique physical condition of the lot and no other extraordinary circumstances affecting the property, the first part of the variance test is not satisfied. The existing property currently satisfies the R-4 area requirements. The applicant’s request for conversion to a six-unit apartment building, where five units would be permitted as a matter-of-right would exceed the permitted development density anticipated for the site.

Apartment conversions (particularly ones also involving significant additions to facilitate the additional units) conflict with the clearly stated purpose of the R-4 zone found in §401.1 and would impact the purpose and integrity of the R-4 zone and the minimum lot area provisions. The purpose of the R-4 zone is to stabilize low-density, single-family residential areas by allowing new construction of single-family and two-unit buildings. The Zoning Regulations explicitly state (at Section 330.3) that “The R 4 District shall not be an apartment house district as contemplated under the General Residence (R 5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.” [Emphasis added] In other words, the regulation is intended to allow for the reasonable conversion of existing large structures in the R-4 zone that are considered too large for current living standards, not to allow for speculative conversions of typically sized row houses into apartment buildings. As the applicant recently purchased the properties and would have been aware of their condition and presumably factored this into the purchase price, there can be no economic hardship associated with the building condition.

V. AGENCY COMMENTS

Early conversations with the District Department of Transportation (DDOT) did not highlight any concerns with the proposal.

VI. COMMUNITY COMMENTS

ANC 1A discussed the request at their July 10, 2013 meeting, and voted to approve the requested zoning relief. The applicant has submitted several letters to the record in support of the proposal.

VII. CONCLUSION

OP recommends denial of the requested area variance to allow the conversion of the recently purchased row houses into a six-unit apartment building on the combined subject property. No practical difficulty has been established, and the proposal is clearly contrary to the intent and the integrity of the zoning regulations.